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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,749	05/27/2005	Maki Onuma	00862.023339.	4500
5514	7590	09/09/2009		
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
1290 Avenue of the Americas			MILIA, MARK R	
NEW YORK, NY 10104-3800			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			09/09/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/536,749	ONUMA, MAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark R. Milia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2009 and 30 June 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,5-7,9,12 and 13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5-7,9,12 and 13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/9/09 has been entered. Currently, claims 1-2, 5-7, 9, and 12-13 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 6/9/09 have been fully considered but they are not persuasive.

Applicant asserts that Yoshikawa (JP 11-187212) cannot be said to disclose or suggest moving a reading unit and a reference white board to a retreat position in which the influence of ambient light is reduced at least upon execution of prescanning, with the retreat position being relatively higher than a reading position, as is recited in independent claims 1 and 6 because the white board unit 20 is moved lower in the retreat position than in the reading position. The examiner respectfully disagrees as Yoshikawa does disclose such a feature. Particularly, Drawing 7 shows the reading

position of line scanning unit **19** and white board **20**. Drawing 6 shows the retreat position of line scanning unit **19** and white board **20**. It can be seen in Drawing 6 that the line scanning unit is relatively higher in the retreat position than the reading position and the system as a whole, (control lever **21**, supporting spindle **22**), is in a higher relative position in the retreat position shown in Drawing 6 opposed to the reading position shown in Drawing 7. Therefore the retreat position as a whole is relatively higher than the reading position. Note: The examiner reviewed the sections of the specification mentioned in the remarks in support of the amendment to claims 1 and 6. It appears that the reading unit and reference white board are in the same general location and therefore basically share a retreat and reading position. The examiner believes that the current claim language does not portray such a system and as such the claim language can be interpreted as having different retreat positions for the reading unit and reference white board as well as different reading positions as well.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document No. 11-187212 to Yoshikawa, as cited in the IDS dated 9/16/06, reference will be made to a computer translation that is hereby attached to this Office Action, in view of U.S. Patent No. 6,975,435 to Maitani et al.

Regarding claim 1, Yoshikawa discloses an image printing and reading apparatus comprising: a printing unit to print an image on a print sheet conveyed through a print sheet path (see paragraphs 11, 13 line 2, and 27), a reading unit to read a document conveyed through a document path, having a common part belonging to said print sheet path and said document path (see paragraphs 31 and 33, line scanner unit **19**), a reference white board for shading correction used by said reading unit (see paragraphs 37 line 6-9 and 39, white reference board **20a** attached to white unit **20**), and a moving unit to move said reading unit and said reference white board to a document reading position when said reading unit executes document reading, on the other hand, to move said reading unit and said reference white board to a retreat position in which the influence of ambient light is reduced (see Drawings 6 and 7 and paragraphs 8-9, 29, 34-35, 40-41, and 45-46, reference shows that the reading unit and the white board move between a shunting/home/retreat position and a reading position based on whether reading or recording is taking place), wherein the retreat position is relatively higher than the reading position (See Drawings 6 and 7, Drawing 7 shows the reading position of line scanning unit **19** and white board **20**. Drawing 6 shows the retreat position of line scanning unit **19** and white board **20**. It can be seen in Drawing 6 that the line scanning unit is relatively higher in the retreat position than the reading position and the system as a whole, (control lever **21**, supporting spindle **22**), is in a higher relative position in the retreat position shown in Drawing 6 opposed to the reading position shown in Drawing 7. Therefore the retreat position as a whole is relatively higher than the reading position).

Yoshikawa does not disclose expressly prescanning.

Maitani discloses a reference white board for shading correction used by said reading unit upon execution of prescanning (see Fig. 4, column 7 lines 35-37, and column 9 lines 17-27) and wherein said reading unit and said reference white board are in a position in which the influence of ambient light is reduced at least upon execution of prescanning (see column 9 lines 17-49).

Regarding claim 6, Yoshikawa discloses a scanning method in an image printing and reading apparatus including a printing unit to print an image on a print sheet conveyed through a print sheet path (see paragraphs 11, 13 line 2, and 27), a reading unit to read a document conveyed through a document path, having a common part belonging to the print sheet path and the document path (see paragraphs 31 and 33, line scanner unit **19**), and a reference white board for shading correction used by the reading unit (see paragraph 37 line 6-9, white reference board **20a** attached to white unit **20**), said method comprising: a step of moving the reading unit and the reference white board to a document reading position when the reading unit executes document reading, and to move the reading unit and the reference white board to a retreat position in which the influence of ambient light is reduced (see paragraphs 8-9, 29, 34-35, 40-41, and 45-46, reference shows that the reading unit and the white board move between a shunting/home/retreat position and a reading position based on whether reading or recording is taking place), wherein the retreat position is relatively higher than the reading position (See Drawings 6 and 7, Drawing 7 shows the reading position of line scanning unit **19** and white board **20**. Drawing 6 shows the retreat position of line

scanning unit **19** and white board **20**. It can be seen in Drawing 6 that the line scanning unit is relatively higher in the retreat position than the reading position and the system as a whole, (control lever **21**, supporting spindle **22**), is in a higher relative position in the retreat position shown in Drawing 6 opposed to the reading position shown in Drawing 7. Therefore the retreat position as a whole is relatively higher than the reading position).

Yoshikawa does not disclose expressly prescanning.

Maitani discloses a reference white board for shading correction used by said reading unit upon execution of prescanning (see Fig. 4, column 7 lines 35-37, and column 9 lines 17-27), wherein said reading unit and said reference white board are in a position in which the influence of ambient light is reduced at least upon execution of prescanning (see column 9 lines 17-49), and a step of executing the prescanning when said reading unit and said reference white board are in said retreat position (see column 9 lines 17-27).

Yoshikawa & Maitani are combinable because they are from the same field of endeavor, a combination printing and scanning device utilizing a reference white board for correction of light quantity.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the prescanning, as described by Maitani, with the system of Yoshikawa.

The suggestion/motivation for doing so would have been to provide a basis or initial value based on a white reference board (prescanning) to provide a more accurate shading correction as the light source is moved to read the document.

Therefore, it would have been obvious to combine Maitani with Yoshikawa to obtain the invention as specified in claims 1 and 6.

Regarding claims 2 and 7, Yoshikawa further discloses wherein the retreat position is a position within a casing of said image printing and reading apparatus (see paragraphs 8-9).

5. Claims 5, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa and Maitani as applied to claims 1, 2, 6, and 7 above, and further in view of Yamamoto.

Maitani discloses executing the prescanning when no occurrence of a jam has taken place (see column 9 lines 17-27).

Yoshikawa and Maitani does not disclose expressly a detection unit to detect occurrence of jam in the common part belonging to said print sheet path and said document path.

Yamamoto discloses a detection unit to detect occurrence of jam in the common part belonging to said print sheet path and said document path, wherein if said detection unit has not detected the occurrence of jam, said reading unit executes (see column 7 line 13-column 8 line 6).

Yoshikawa, Maitani, & Yamamoto are combinable because they are from the same field of endeavor, combination printing and scanning devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the detection of a paper jam, as described by Yamamoto and which is well known and commonly used in the art, with the system of Yoshikawa and Maitani.

The suggestion/motivation for doing so would have been to ensure system efficiency operability by detecting paper jams and to provide a basis or initial value to allow proper shading correction as the light source is moved to read the document.

Therefore, it would have been obvious to combine Yamamoto with Yoshikawa and Maitani to obtain the invention as specified in claims 5, 9, 12, and 13.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached on M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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